

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ERNEST LEE THOMAS,

Plaintiff,

v.

Case Number 11-cv-15032  
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION,  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,  
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on the report and recommendation (ECF No. 12) issued by Magistrate Judge R. Steven Whalen on November 27, 2012. Judge Whalen recommends that the Court grant Defendant's motion for summary judgment (ECF No. 11), deny Plaintiff's motion for summary judgment (ECF No. 8), and dismiss the complaint (ECF No. 1).

Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* The Court is not obligated to review the portions of the report to which no objection was made. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). As of today's date, no party has filed any objections to Judge Whalen's report and recommendation.

Accordingly, it is **ORDERED** that Judge Whalen's report and recommendation (ECF No. 12) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment (ECF No. 11) is **GRANTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment (ECF No. 8) is **DENIED**.

It is further **ORDERED** that the complaint (ECF No. 1) is **DISMISSED**.

Dated: December 14, 2012

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 14, 2012.

s/Tracy A. Jacobs  
TRACY A. JACOBS